EXHIBIT 13

REDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED

EXHIBIT 13

```
 1          UNITED STATES DISTRICT COURT

 2        NORTHERN DISTRICT OF CALIFORNIA

 3            SAN FRANCISCO DIVISION

 4           Case No. 17-cv-00939-WHA

 5   -------------------------------------x

 6   WAYMO LLC,

 7               Plaintiff,

 8        - against -

 9   UBER TECHNOLOGIES, INC.; OTTOMOTTO, LLC;

10   OTTO TRUCKING LLC,

11               Defendants.

12   -------------------------------------x

13

14     HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

15

16           Videotaped 30(b)(6) Deposition

17   of GARY BROWN, taken by Defendants, held

18   at the offices of Morrison & Foerster LLP,

     250 West 55th Street, at 9:59 a.m. on August

19   8, 2017, New York, New York, before Jineen

     Pavesi, a Registered Professional Reporter,

20   Registered Merit Reporter, Certified Realtime

     Reporter and Notary Public of the State of New York.

21

22

23

24   Job No. 2671217A

25   Pages 1 - 305
```

Page 1

1	correct?	12:14:17PM
2	A. That seems accurate.	12:14:17PM
3	Q. And it was returned on February	12:14:19PM
4	9, 2016, is that correct?	12:14:24PM
5	A. That means it was collected and	12:14:28PM
6	brought back by the inventory people on	12:14:30PM
7	February 9, 2016, yes.	12:14:33PM
8	Q. And then approximately 15 days	12:14:36PM
9	later, on February 24, 2016, that	12:14:41PM
10	workstation was reallocated to an	12:14:44PM
11	individual named ██████████ is that	12:14:48PM
12	correct?	12:14:51PM
13	A. That's what this says.	12:14:51PM
14	Q. And Waymo performed no forensic	12:14:53PM
15	investigation into the workstation	12:14:56PM
16	assigned to Mr. Levandowski for an over	12:14:59PM
17	three-year period during his employment at	12:15:03PM
18	Waymo, is that correct?	12:15:06PM
19	MR. BAKER: Objection to form.	12:15:07PM
20	A. When an employee is terminated,	12:15:09PM
21	tickets are generated for inventory	12:15:12PM
22	management individuals to collect their	12:15:15PM
23	assets, check if that individual is	12:15:18PM
24	currently on a hold that would forbid	12:15:25PM
25	reimage, and then the asset is either	12:15:30PM

Page 97

1	retired or refurbished and redeployed if	12:15:37PM
2	deemed still within its life span.	12:15:44PM
3	Q. Waymo performed no forensic	12:15:51PM
4	investigation into the Hewlett-Packard	12:15:52PM
5	workstation assigned to Mr. Levandowski	12:15:55PM
6	for an over three-year period during his	12:15:58PM
7	employment at Waymo, is that correct?	12:16:00PM
8	MR. BAKER: Objection to form.	12:16:02PM
9	A. That is correct.	12:16:07PM
10	Q. The Hewlett-Packard workstation	12:16:11PM
11	assigned to Mr. Levandowski from 2012 to	12:16:13PM
12	2016 is a computer -- is it a desktop	12:16:19PM
13	computer?	12:16:26PM
14	A. It appears to be, yes.	12:16:27PM
15	Q. And that would have existed in	12:16:28PM
16	his office at Waymo, right?	12:16:31PM
17	A. Presumably.	12:16:34PM
18	Q. And it would have been	12:16:35PM
19	something he used in the three-and-a-half	12:16:36PM
20	year period that it was assigned to him in	12:16:40PM
21	his office at Waymo, correct?	12:16:43PM
22	MR. BAKER: Objection to form.	12:16:44PM
23	A. Possibly, but not necessarily.	12:16:46PM
24	Q. But you don't know one way or	12:16:51PM
25	the other if he used it?	12:16:52PM

Page 98

1   A.   No.   12:16:53PM

2   Q.   And nobody asked you to   12:16:54PM

3 inquire, to conduct a forensic review of   12:16:58PM

4 that device to determine if he did   12:17:00PM

5 anything improper with it, correct?   12:17:07PM

6   A.   That is correct, but with the   12:17:13PM

7 caveat that the lack of analysis of   12:17:17PM

8 another machine does not wash away the   12:17:22PM

9 wrongdoings on another machine, that's no   12:17:25PM

10 indication of not doing something.   12:17:28PM

11   Q.   In order to determine the full   12:17:35PM

12 scope of potential wrongdoing, in your   12:17:39PM

13 opinion should Waymo have conducted a   12:17:43PM

14 forensic investigation of the   12:17:46PM

15 Hewlett-Packard workstation?   12:17:47PM

16   MR. BAKER: Objection to form.   12:17:49PM

17   A.   All feasible rocks should be   12:17:57PM

18 turned over, but there have been multiple   12:18:02PM

19 occurrences where inventory management   12:18:07PM

20 personnel reimaged devices before forensic   12:18:12PM

21 analysis could take place.   12:18:18PM

22   Q.   And in your opinion, one   12:18:22PM

23 feasible rock that should have been turned   12:18:29PM

24 over was a review of the Hewlett-Packard   12:18:30PM

25 workstation assigned to Mr. Levandowski,   12:18:34PM

Page 99

1	is that correct?	12:18:37PM
2	MR. BAKER: Objection to form.	12:18:37PM
3	A. As a forensic analyst, the more	12:18:42PM
4	information, the better.	12:18:44PM
5	But as I said before, it	12:18:47PM
6	doesn't undo other indicators that were	12:18:50PM
7	positively found.	12:18:55PM
8	Q. As a forensic analyst, wouldn't	12:19:02PM
9	you want to know if the card reader was	12:19:07PM
10	attached to the workstation?	12:19:09PM
11	MR. BAKER: Objection to form.	12:19:11PM
12	A. Yes.	12:19:18PM
13	Q. But you don't know the answer	12:19:19PM
14	to that question, right?	12:19:21PM
15	A. Not currently.	12:19:24PM
16	Q. Waymo would never know the	12:19:26PM
17	answer to that question, correct?	12:19:29PM
18	MR. BAKER: Objection to form.	12:19:31PM
19	A. That's uncertain.	12:19:43PM
20	Q. Why is that uncertain?	12:19:45PM
21	A. Depending on retention and host	12:19:50PM
22	monitoring agents, it could potentially be	12:20:00PM
23	determined whether some classes of USB	12:20:08PM
24	devices were connected to these machines,	12:20:12PM
25	but I also would not feel comfortable	12:20:16PM

Page 100

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```
 1   the record.                                12:22:50PM

 2            THE VIDEO TECHNICIAN: Time is     12:22:50PM

 3   12:24.                                     12:22:52PM

 4            This is end of video 1 and        12:22:54PM

 5   we're off the record.                      12:22:55PM

 6            (Witness and counsel left the     12:22:57PM

 7   hearing room to confer.)                   12:22:57PM

 8            (Pause.)                          12:22:57PM

 9            (Witness and counsel reentered    12:22:57PM

10   the hearing room.)                         12:25:13PM

11            THE VIDEO TECHNICIAN: Time is     12:25:13PM

12   12:23, we're on the record.                12:25:21PM

13            This is video 2.                  12:25:24PM

14   BY MS. GOODMAN:                            12:25:25PM

15      Q.      Mr. Brown, my question to you   12:25:26PM

16   before the break was why didn't Waymo      12:25:27PM

17   conduct a forensic investigation on the    12:25:30PM

18   Hewlett-Packard workstation?               12:25:33PM

19      A.      I don't know.                   12:25:35PM

20      Q.      Does Waymo know?                12:25:39PM

21      A.      No.                             12:25:39PM

22      Q.      In your opinion as a forensic   12:25:44PM

23   analyst, should Waymo have conducted a     12:25:47PM

24   forensic investigation on the             12:25:51PM

25   Hewlett-Packard workstation?              12:25:53PM
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Page 103

1   MR. BAKER: Objection to form.   12:25:55PM

2   A.   As I said before, more data is   12:26:01PM

3 always nice to have, but it is not   12:26:03PM

4 explicitly necessary or make or break   12:26:11PM

5 anything if you can get other information   12:26:15PM

6 other ways.   12:26:17PM

7   Q.   If Waymo had conducted a   12:26:19PM

8 forensic investigation on the   12:26:21PM

9 Hewlett-Packard workstation, couldn't that 12:26:23PM

10 investigation have uncovered routine use   12:26:27PM

11 of, for example, the SVN repository?   12:26:33PM

12   MR. BAKER: Objection to form.   12:26:36PM

13   A.   Routine use of the SVN   12:26:45PM

14 repository could have also been apparent   12:26:50PM

15 from DNS traffic from that host or from   12:26:56PM

16 the server side logs as well and those   12:27:06PM

17 were not apparent.   12:27:12PM

18   And also if you are routinely   12:27:19PM

19 using this SVN server, you probably don't   12:27:22PM

20 need to look up instructions for how to   12:27:25PM

21 use it or how to connect to it even.   12:27:27PM

22   Q.   That's your speculation,   12:27:29PM

23 though, correct?   12:27:31PM

24   MR. BAKER: Objection to form.   12:27:32PM

25   A.   Yes.   12:27:33PM

Page 104

1	So given that it was seen one	01:09:37PM
2	way, we thought, well, we have these	01:09:42PM
3	sources, let's see what other ways exist.	01:09:46PM
4	Q. Did somebody tell you that	01:09:49PM
5	Mr. Levandowski downloaded 14,000 files on	01:09:52PM
6	December 11, 2015?	01:09:55PM
7	A. Yes.	01:09:59PM
8	Q. Who told you that?	01:10:00PM
9	MR. BAKER: You can give a	01:10:03PM
10	name.	01:10:04PM
11	A. ███████.	01:10:04PM
12	Q. Back on Exhibit 13 -- sorry, I	01:10:10PM
13	forgot the number?	01:10:17PM
14	A. 1313?	01:10:17PM
15	Q. The one in front of you.	01:10:18PM
16	A. 14.	01:10:20PM
17	Q. 29372, the keyword searches	01:10:21PM
18	that are reflected on that page 29372,	01:10:25PM
19	when were those run on Mr. Kshirsagar's	01:10:28PM
20	devices?	01:10:34PM
21	A. I don't know at this time.	01:10:38PM
22	Q. Does Waymo know?	01:10:40PM
23	A. Not right now.	01:10:42PM
24	Q. Does Waymo know when these	01:10:44PM
25	keywords were run on Mr. Levandowski's	01:10:47PM

Page 132

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```
 1              Do you see that?              04:26:18PM

 2       A.     I do.                         04:26:19PM

 3    ████ ██████████████████████████████████

 4  ████████████████████████████████       ██████████

 5  ████████████████████████████████████████████████

 6  ████████████████████              ████████████

 7              ████████████████████████████████████

 8       ██     ██████████████████████████████████████

 9              ████████████████████████████████████████

10  ███████████████████████████████████████   ██████████

11  ███████████████████████████████████████   ██████████

12  ████                                      ████████

13       ██     ██████████████████████         ████████

14  ████████████████████████████████████       ████████

15  ██████████████████████████████████████     ████████

16       ██     ██████████████████             ████████

17              MR. BAKER:  Objection to form.  04:27:05PM

18       A.     Also, as a professional log    04:27:09PM

19  diver, I'll call myself, when we're doing  04:27:13PM

20  investigations, we don't keep things that  04:27:17PM

21  are not deemed explicitly relevant for     04:27:24PM

22  what we are trying to prove.               04:27:26PM

23              It is bad data stewardship, it 04:27:31PM

24  takes up space, and it makes noise.        04:27:34PM

25       Q.     What were you asked to prove   04:27:36PM
```

Page 229

1	here?	04:27:38PM
2	MR. BAKER: Objection, I am	04:27:39PM
3	going to caution you not to reveal the	04:27:43PM
4	substance of any attorney-client	04:27:44PM
5	communications.	04:27:46PM
6	If you can answer that question	04:27:46PM
7	without doing that, please do.	04:27:48PM
8	A. I did not pull the SVN log	04:27:52PM
9	data, I'm just speaking to the frame of	04:27:55PM
10	mind of why the entirety of all users'	04:27:56PM
11	logs may not be present.	04:28:04PM
12	For example, in what I've	04:28:05PM
13	produced to support my declaration, I'm	04:28:07PM
14	not pulling and presenting the ████ logs	04:28:10PM
15	of any of a hundred thousand other Google	04:28:13PM
16	employees because it is simply not	04:28:16PM
17	relevant to the investigation at hand.	04:28:18PM
18	Q. That wasn't my question.	04:28:20PM
19	What were you being asked to	04:28:25PM
20	prove as part of your forensic	04:28:26PM
21	investigation?	04:28:27PM
22	MR. BAKER: Same instruction	04:28:27PM
23	and also objection to the form.	04:28:28PM
24	A. These logs showed that 14,000	04:28:33PM
25	files and change were downloaded on	04:28:36PM

Page 230

1	December 11th from an IP address that	04:28:39PM
2	could be traced to Mr. Levandowski's work	04:28:42PM
3	computer.	04:28:44PM
4	Q. When were you asked to prove	04:28:44PM
5	that?	04:28:45PM
6	MR. BAKER: Objection to form.	04:28:50PM
7	A. Sometime between August and	04:28:51PM
8	October 2016.	04:28:53PM
9	Q. Why didn't you look at the SVN	04:28:57PM
10	log data when you were first engaged in	04:28:59PM
11	the investigation in February or March of	04:29:01PM
12	2015 -- sorry, of 2016?	04:29:02PM
13	A. I did not know it existed.	04:29:14PM
14	Q. Wouldn't it be important for	04:29:15PM
15	you as a person involved with incident	04:29:17PM
16	responses to know where the various data	04:29:18PM
17	repositories were?	04:29:20PM
18	MR. BAKER: Objection to form.	04:29:26PM
19	A. It would.	04:29:26PM
20	Q. Did you ask anybody are there	04:29:28PM
21	any unusual places people store important	04:29:29PM
22	information?	04:29:32PM
23	A. We did.	04:29:35PM
24	Q. And who did you talk to?	04:29:36PM
25	A. Various people that were in	04:29:46PM

Page 231

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1	different ways tangentially associated	04:29:52PM
2	with the investigation.	04:29:55PM
3	Q. Did you talk to anyone that was	04:29:56PM
4	involved in the Chauffeur program?	04:29:58PM
5	A. Not directly.	04:30:02PM
6	Q. Indirectly?	04:30:05PM
7	A. I believe so.	04:30:07PM
8	Q. Who did you hear about	04:30:11PM
9	indirectly?	04:30:13PM
10	A. Can you repeat that.	04:30:17PM
11	Q. Yes.	04:30:17PM
12	You said that you believe that	04:30:18PM
13	you talked to someone indirectly that was	04:30:21PM
14	in the Chauffeur program and I am just	04:30:25PM
15	trying to figure out who that person was.	04:30:27PM
16	A. I am not sure.	04:30:29PM
17	Q. Did you look at ███████ data	04:30:30PM
18	as part of your investigation in March?	04:30:33PM
19	A. Yes.	04:30:36PM
20	Q. What about █████ data, ██████	04:30:36PM
21	logs?	04:30:43PM
22	A. ███████ would not -- not in	04:30:44PM
23	March, but possibly -- possibly in March	04:30:50PM
24	too.	04:30:54PM
25	I don't think we engaged ██████	04:30:58PM

Page 232

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```
1      A.      At what time?                    04:36:52PM

2      Q.      The February, March 2016 time    04:36:53PM

3   frame.                                      04:36:57PM

4      A.      I don't entirely agree.          04:37:05PM

5      Q.      Why do you disagree with what    04:37:07PM

6   Mr. Gudjonsson said?                        04:37:09PM

7              MR. BAKER:  I instruct the       04:37:11PM

8   witness not to answer on grounds of         04:37:12PM

9   attorney-client privilege and work          04:37:13PM

10  product.                                    04:37:14PM

11     Q.      Are you going to follow the      04:37:18PM

12  instruction?                                04:37:19PM

13     A.      I am.                            04:37:20PM

14     Q.      I am going to ask you a series   04:37:20PM

15  of questions, I just have to make sure I    04:37:21PM

16  have the record here.                       04:37:23PM

17             In the February, March 2016      04:37:24PM

18  time frame, did you look at ██████          04:37:25PM

19  logs?                                       04:37:29PM

20     A.      I believe so.                    04:37:31PM

21     Q.      Did you look for evidence of     04:37:32PM

22  downloading activity?                       04:37:33PM

23     A.      I don't believe so.              04:37:40PM

24     Q.      What about the network traffic   04:37:42PM

25  logs that you referred to in your           04:37:43PM
```

Page 235

1	Somehow a spreadsheet got	05:00:49PM
2	populated with ███ log data.	05:00:51PM
3	Do you know who did that?	05:00:53PM
4	A. Okay.	05:00:54PM
5	This looks like my Timesketch	05:00:55PM
6	formatting and if you look in the query	05:01:03PM
7	field, that will show exactly the query	05:01:05PM
8	that was run to generate this result.	05:01:11PM
9	Q. And so did you create this body	05:01:14PM
10	of work?	05:01:18PM
11	A. I believe I did.	05:01:19PM
12	Q. Do you know?	05:01:21PM
13	A. I'd say I did.	05:01:24PM
14	Q. Are these --	05:01:26PM
15	A. I should note, I absolutely	05:01:30PM
16	positively distrust all Excel formatting,	05:01:32PM
17	it bugs me, and sometimes the formatting	05:01:40PM
18	can be -- like -- yeah, for example, I	05:01:45PM
19	didn't do this in Excel, I did this in --	05:01:51PM
20	on commands line and I output straight to	05:01:57PM
21	CSV.	05:02:01PM
22	But here, if this was a pure	05:02:02PM
23	dump and no formatting was altered, like	05:02:03PM
24	the first ten lines are right-justified,	05:02:06PM
25	which indicates to me some type of	05:02:08PM

Page 252

1	formatting and not treatment of just raw	05:02:10PM
2	string and you can see that again down on	05:02:12PM
3	lines 22 through 27, so I am naturally	05:02:14PM
4	very distrustful of this spreadsheet put	05:02:19PM
5	in front of me.	05:02:21PM
6	Just want to note that.	05:02:25PM
7	Q. You think it is inaccurate?	05:02:26PM
8	MR. BAKER: Objection.	05:02:28PM
9	A. I think something is off, it is	05:02:28PM
10	not uniform; if it was just open, it would	05:02:31PM
11	be uniform.	05:02:33PM
12	MS. GOODMAN: Mark that as	05:02:51PM
13	1319.	05:03:02PM
14	(Exhibit 1319, Excel	05:03:02PM
15	spreadsheet from row 3048, was marked for	05:03:02PM
16	identification, as of this date.)	05:03:13PM
17	Q. I just have a simple question	05:03:13PM
18	on 1319.	05:03:15PM
19	I have pulled from the row	05:03:18PM
20	3048, there is this CCM cash, do you see	05:03:23PM
21	that?	05:03:29PM
22	A. I do.	05:03:33PM
23	Q. Do you know what that is?	05:03:34PM
24	A. I am not a Windows expert, I	05:03:34PM
25	have seen that on many a machine and I	05:03:37PM

Page 253

1   A.   It would seem that he wanted to   05:46:27PM

2   maintain access.   05:46:30PM

3   Q.   And I think you might have   05:46:32PM

4   answered this during the earlier 30(b)(6),   05:46:33PM

5   but I want to make sure the record is   05:46:36PM

6   clear on this.   05:46:39PM

7   There is nothing that would   05:46:39PM

8   prevent Anthony Levandowski from   05:46:40PM

9   installing the TortoiseSVN software on a   05:46:43PM

10 personal laptop and then logging into the   05:46:46PM

11 Chauffeur SVN server remotely and   05:46:48PM

12 accessing it through his credentials?   05:46:52PM

13   MR. BAKER: Objection to form.   05:46:55PM

14   A.   That seems technically feasible   05:46:59PM

15 based on what's been described to me.   05:47:01PM

16   Q.   Have you ever worked with the   05:47:03PM

17 SVN repository before?   05:47:05PM

18   A.   No.   05:47:07PM

19   Q.   Have you been given any   05:47:08PM

20 training on how to evaluate operations on   05:47:10PM

21 the SVN server?   05:47:14PM

22   A.   Can you be more specific?   05:47:18PM

23   Q.   Do you have any special   05:47:19PM

24 certifications about it?   05:47:20PM

25   A.   No.   05:47:21PM

Page 281

1	Q.	Have you ever set one up?	05:47:21PM
2	A.	No.	05:47:24PM
3	Q.	Have you ever reviewed log	05:47:24PM
4	files from the SVN server prior to this		05:47:25PM
5	case?		05:47:28PM
6	A.	No.	05:47:29PM
7	Q.	Have you ever been trained on	05:47:37PM
8	how to search for and review these log		05:47:38PM
9	files?		05:47:40PM
10		MR. BAKER: Objection to form.	05:47:45PM
11	A.	I have received no formal	05:47:46PM
12	training in searching these logs, but I		05:47:47PM
13	will say my sole review of them seemed		05:47:50PM
14	pretty straightforward, like a regular --		05:47:55PM
15	very similar to regular apache web log.		05:47:57PM
16	Q.	Do you know what propfind is?	05:48:01PM
17	A.	I am unfamiliar.	05:48:06PM
18	Q.	Are you familiar with the	05:48:10PM
19	standard HTGP instructions?		05:48:11PM
20	A.	Common ones, yes.	05:48:16PM
21		MR. CHATTERJEE: Let's mark	05:48:19PM
22	this as Exhibit 1322.		05:48:20PM
23		(Exhibit 1322, screen shot of	05:48:20PM
24	the SVN logs, was marked for		05:48:20PM
25	identification, as of this date.)		05:48:40PM

Page 282

1   Q.   What I've handed you is a   05:48:40PM

2   screen shot of the SVN logs.   05:48:42PM

3   In box 1, row 1, do you see   05:48:46PM

4   there is that propfind instruction?   05:48:50PM

5   A.   I do.   05:48:54PM

6   Q.   Do you know what that is?   05:48:55PM

7   A.   I don't.   05:48:56PM

8   MR. BAKER: Counsel, can you   05:48:56PM

9   tell me, do you have the Bates number for 05:48:57PM

10 this?   05:48:59PM

11   MR. CHATTERJEE: Yes, it is off   05:49:01PM

12 of WAYMO-UBER 944, my apologies, I thought 05:49:03PM

13 it was on the screen shot, it isn't.   05:49:10PM

14   Q.   What about options, do you know   05:49:12PM

15 what that is?   05:49:13PM

16   A.   Not too familiar on that   05:49:17PM

17 either.   05:49:19PM

18   Q.   You are familiar with a get   05:49:21PM

19 request, right?   05:49:23PM

20   A.   I am.   05:49:24PM

21   Q.   A get request isn't necessarily   05:49:25PM

22 just for downloading, it actually can be   05:49:27PM

23 for viewing and just accessing, right?   05:49:29PM

24   A.   For the sake of access to data   05:49:36PM

25 and the argument of access to data, a   05:49:41PM

Page 283

HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY

1	and enter HTTPS colon, slash slash	05:57:51PM
2	████████████ slash SVN slash	05:58:06PM
3	Chauffeur-SVN.	05:58:13PM
4	Do you see that?	05:58:15PM
5	A. I do.	05:58:17PM
6	Q. Have you tried to access the	05:58:24PM
7	Subversion website yourself to see how it	05:58:27PM
8	works?	05:58:30PM
9	A. I have not, as I don't have a	05:58:31PM
10	business need to access those files.	05:58:33PM
11	Q. Would it have been important	05:58:49PM
12	for you to know how it works in offering	05:58:50PM
13	your opinions?	05:58:53PM
14	A. From -- I asked the	05:58:57PM
15	administrator my burning questions about	05:59:07PM
16	it, but as I said before, I had no	05:59:09PM
17	business need to touch those files and	05:59:13PM
18	would rather not play with live high value	05:59:16PM
19	data and get it onto my workstation.	05:59:20PM
20	That kind of speaks to what I	05:59:26PM
21	mentioned before, data access policies.	05:59:29PM
22	Q. Do you know what happens when	05:59:38PM
23	you follow this instruction in No. 3?	05:59:40PM
24	A. I would imagine it connects you	05:59:56PM
25	to the SVN.	05:59:58PM

Page 287

1   C E R T I F I C A T I O N

2

3   I, Jineen Pavesi, a Registered

4   Professional Reporter, Registered Merit

5   Reporter, Certified Realtime Reporter and

6   a Notary Public, do hereby certify that

7   the foregoing witness, GARY BROWN, was

8   duly sworn on the date indicated, and that

9   the foregoing is a true and accurate

10   transcription of my stenographic notes.

11   I further certify that I am not employed

12   by nor related to any party to this

13   action.

14

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22   _Jineen Pavesi, RPR, RMR_

23   JINEEN PAVESI, RPR, RMR, CRR

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                                        Page 305